

June D. Coleman SBN 191890
MESSER STRICKLER, LTD.
5960 South Land Park Drive #1059
Sacramento, CA 95822
Phone: (916) 502-1768
jcoleman@messerstrickler.com

Attorney for Defendant
HEALTHCARE REVENUE RECOVERY GROUP, LLC dba ARS
ACCOUNT RESOLUTION SERVICES

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CAROLYN HAWKINS ROBINSON,

Plaintiff,

vs.

HEALTHCARE REVENUE
RECOVERY GROUP, LLC dba ARS
ACCOUNT RESOLUTION SERVICES

Defendants.

Case No.: 2:21-CV-01517-KJM-JDP

NOTICE OF ERRATA FOR
DEFENDANT'S ANSWER TO
COMPLAINT

JURY DEMAND

The Plaintiff listed on page 1:13 of the Complaint should read "CAROLYN HAWKINS ROBINSON." See attached.

DATED: December 22, 2021

MESSER STRICKLER, LTD.

By: /s/ June D. Coleman

June D. Coleman

Attorney for Defendant

HEALTHCARE REVENUE RECOVERY
GROUP, LLC dba ARS ACCOUNT
RESOLUTION SERVICES

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DEFENDANT's ANSWER TO
COMPLAINT

JURY DEMAND

COMES NOW Defendant HEALTHCARE REVENUE RECOVERY GROUP, LLC dba ARS ACCOUNT RESOLUTION SERVICES, by and through their counsel of record, and hereby provides this answer to the Complaint by admitting, denying, and alleging as follows:

1. As to Paragraph 1, Responding Party denies these allegations.
2. As to Paragraph 2, Responding Party denies the Court has supplemental jurisdiction. As to the remaining allegations, Responding Party denies them.

1 3. As to Paragraph 3, Responding Party lacks sufficient information to admit or
2 deny these allegations, and on that basis, denies them.

3 4. As to Paragraph 3, Responding Party lacks sufficient information to admit or
4 deny these allegations, and on that basis, denies them.

5 5. As to Paragraph 4, Responding Party admits.

6 6. As to Paragraph 5, Responding Party admits that it is a collection agency nd
7 collects medical debts, located in Sunrise, Florida. As to the remaining allegations,
8 Responding Party lacks sufficient information to admit or deny the remaining allegations,
9 and on that basis, denies them.

10 7. As to Paragraph 7, Responding Party lacks sufficient information to admit or
11 deny these allegations, and on that basis, denies them.

12 8. As to Paragraph 8, Responding Party admits these allegations.

13 9. As to Paragraph 9, Responding Party lacks sufficient information to admit or
14 deny these allegations, and on that basis, denies them.

15 10. As to Paragraph 10, Responding Party lacks sufficient information to admit
16 or deny these allegations, and on that basis, denies them.

17 11. As to Paragraph 11, Responding Party lacks sufficient information to admit
18 or deny these allegations, and on that basis, denies them.

19 12. As to Paragraph 12, Responding Party lacks sufficient information to admit
20 or deny these allegations, and on that basis, denies them.

21 13. As to Paragraph 13, Responding Party lacks sufficient information to admit
22 or deny these allegations, and on that basis, denies them.

23 14. As to Paragraph 14, Responding Party lacks sufficient information to admit
24 or deny these allegations, and on that basis, denies them.

25 15. As to Paragraph 15, Responding Party admits that it has a phone number –
26 800-567-1757. As to the remaining allegations, Responding Party lacks sufficient
27 information to admit or deny these allegations, and on that basis, denies them.

28 16. As to Paragraph 16, Responding Party admits that is uses 800-567-1757.

1 17. As to Paragraph 17, Responding Party lacks sufficient information to admit
2 or deny these allegations, and on that basis, denies them.

3 18. As to Paragraph 18, Responding Party lacks sufficient information to admit
4 or deny these allegations, and on that basis, denies them.

5 19. As to Paragraph 19, Responding Party lacks sufficient information to admit
6 or deny these allegations, and on that basis, denies them.

7 20. As to Paragraph 20, Responding Party lacks sufficient information to admit
8 or deny these allegations, and on that basis, denies them.

9 21. As to Paragraph 21, Responding Party lacks sufficient information to admit
10 or deny these allegations, and on that basis, denies them.

11 22. As to Paragraph 22, Responding Party lacks sufficient information to admit
12 or deny these allegations, and on that basis, denies them.

13 23. As to Paragraph 23, Responding Party lacks sufficient information to admit
14 or deny these allegations, and on that basis, denies them.

15 24. As to Paragraph 24, Responding Party lacks sufficient information to admit
16 or deny these allegations, and on that basis, denies them.

17 25. As to Paragraph 25, Responding Party lacks sufficient information to admit
18 or deny these allegations, and on that basis, denies them.

19 26. As to Paragraph 26, Responding Party denies these allegations.

20 27. As to Paragraph 27, Responding Party denies these allegations.

21 28. As to Paragraph 28, Responding Party denies these allegations.

22 29. As to Paragraph 29, Responding Party denies these allegations.

23 30. As to Paragraph 30, Responding Party repeats and realleges its responses to
24 Paragraphs 1-29 as though fully set forth herein.

25 31. As to Paragraph 31, Responding Party lacks sufficient information to admit
26 or deny these allegations, and on that basis, denies them.

1 32. As to Paragraph 32, Responding Party admits it is a “debt collector” generally,
2 but lacks sufficient information to admit or deny this allegation as to Plaintiff, and on that
3 basis, denies.

4 33. As to Paragraph 33, Responding Party admits.

5 34. As to Paragraph 34, Responding Party lacks sufficient information to admit
6 or deny these allegations, and on that basis, denies them.

7 35. As to Paragraph 35, this Paragraph does not contain allegations that need to
8 be admitted or denied.

9 36. As to Paragraph 36, Responding Party denies.

10 37. As to Paragraph 37, Responding Party denies.

11 38. As to Paragraph 38, this Paragraph does not contain allegations that need to
12 be admitted or denied.

13 39. As to Paragraph 39, this Paragraph does not contain allegations that need to
14 be admitted or denied.

15 40. As to Paragraph 40, Responding Party denies.

16 41. As to Paragraph 41, this Paragraph does not contain allegations that need to
17 be admitted or denied.

18 42. As to Paragraph 42, Responding Party denies.

19 43. As to Paragraph 43, Responding Party denies.

20 44. As to Paragraph 44, Responding Party repeats and realleges its responses to
21 Paragraphs 1-43 as though fully set forth herein.

22 45. As to Paragraph 45, this Paragraph does not contain allegations that need to
23 be admitted or denied.

24 46. As to Paragraph 46, Responding Party denies.

25 47. As to Paragraph 47, Responding Party denies.

26 48. As to Paragraph 48, Responding Party denies.

27 49. As to Paragraph 49, Responding Party lacks sufficient information to admit
28 or deny these allegations, and on that basis, denies.

1 50. As to Paragraph 50, Responding Party repeats and realleges its responses to
2 Paragraphs 1-49 as though fully set forth herein.

3 51. As to Paragraph 51, Responding Party lacks sufficient information to admit
4 or deny these allegations, and on that basis, denies them.

5 52. As to Paragraph 52, Responding Party lacks sufficient information to admit
6 or deny these allegations, and on that basis, denies them.

7 53. As to Paragraph 53, Responding Party admits generally that it is a “debt
8 collector,” but as to Plaintiff, Responding Party lacks sufficient information to admit or
9 deny these allegations, and on that basis, denies them.

10 54. As to Paragraph 54, this Paragraph does not contain allegations that need to
11 be admitted or denied.

12 55. As to Paragraph 55, Responding Party denies.

13 56. As to Paragraph 56, Responding Party denies.

14 **AFFIRMATIVE DEFENSES**

15 Responding Party pleads the following separate defenses. Responding Party
16 reserves the right to assert additional affirmative defenses that subsequent discovery and
17 investigation indicate are proper.

18 **FIRST AFFIRMATIVE DEFENSE**

19 **(Consent)**

20 1. As a separate and distinct affirmative defense, Plaintiff consented to any calls
21 that were made. Responding Party received information that the responsible party for the
22 cell phone had provided consent to call.

23 **SECOND AFFIRMATIVE DEFENSE**

24 **(Mitigation of Damages)**

25 2. As a separate and distinct affirmative defense to all causes of action,
26 Responding Party is informed and believes, and thereon allege that Plaintiff has
27 not used reasonable efforts to mitigate actual damages, if she in fact has any. It is
28 difficult to provide any factual allegations regarding this defense because Plaintiff

1 provides no factual allegations of any actual damages actually suffered. Further
2 information can only be developed once Plaintiff supplements with factual
3 allegation as to the actual damages she suffered. Therefore, this affirmative defense
4 is pled to ensure that Responding Party does not waive the opportunity to use this
5 defense solely because Plaintiff has failed to provide sufficient factual allegations.

6 **THIRD AFFIRMATIVE DEFENSE**

7 **(Bona Fide Error)**

8 3. A third separate and distinct affirmative defense to all causes of action,
9 Responding Party alleges that it has no civil liability under any of the statutory claims
10 because the alleged violations were not intentional and resulted from one or more bona
11 fide errors notwithstanding the maintenance of procedures reasonable adapted to avoid
12 any such errors. Responding Party has processes in place regarding calling cell phones,
13 consent, and cease and desist requests. To the extent that those processes were not
14 followed, this inadvertent mistake occurred despite the maintenance of reasonable
15 processes to prevent any such error or mistake.

16 **FOURTH AFFIRMATIVE DEFENSE**

17 **(Unclean Hands)**

18 4. Plaintiff's claims are barred by the doctrine of unclean hands.

19 **FIFTH AFFIRMATIVE DEFENSE**

20 **(Contribution)**

21 5. Any and all harm alleged by Plaintiff can be attributed to several causes, and
22 the damages for the harm, if any, should be apportioned among the various causes
23 according to the contribution of each cause to the harm sustained.

24 **SIXTH AFFIRMATIVE DEFENSE**

25 **(Fault of Others)**

26 6. If Plaintiff suffered or sustained any loss, injury, damage, or detriment, the
27 same was directly and proximately caused and contributed to by the breach, conduct, acts,
28

omissions, activities, carelessness, recklessness, negligence, and/or intentional misconduct of third parties and/or Plaintiff, and not Responding Party.

DEFENDANT'S PRAYER FOR RELIEF

WHEREFORE, Responding Party prays for relief as follows:

1. That the Complaint be dismissed, with prejudice and in its entirety;
2. That Plaintiff takes nothing by reason of this Complaint and that judgment be entered against Plaintiff and in favor of Responding Party;
3. That Responding Party be awarded its costs incurred in defending this action;
- and
4. That Responding Party be granted such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Responding Party HEALTHCARE REVENUE RECOVERY GROUP, LLC dba ARS ACCOUNT RESOLUTION SERVICES demands a jury trial in this case.

DATED: November 4, 2021

MESSER STRICKLER, LTD.

By: /s/ June D. Coleman

June D. Coleman

Attorney for Defendant

HEALTHCARE REVENUE RECOVERY
GROUP, LLC dba ARS ACCOUNT
RESOLUTION SERVICES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically served via email to the parties listed on the service list with the Court, and to the parties authorized to receive via this Court's CM/ECF system on December 22, 2021

By: /s/ June D. Coleman

June D. Coleman